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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,077	07/31/2003	Arthur R. Crivella	00-127 CIP/CIP	2038
30058	7590	02/13/2006	EXAMINER	
COHEN & GRIGSBY, P.C. 11 STANWIX STREET 15TH FLOOR PITTSBURGH, PA 15222			ONI, OLUBUSOLA	
			ART UNIT	PAPER NUMBER
			2168	

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/631,077	Applicant(s) CRIVELLA ET AL.
	Examiner OLUBUSOLA ONI	Art Unit 2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/31/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication: Application, filed on 07/31/2003.

Claim Rejections - 35 USC § 112

1. Claims 1-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, recites the limitation "said managed information" in lines 11 and 13. There is insufficient antecedent basis for this limitation in the claim.

Line 14 of the claim states "textual digital forms". This does not tie to the description provided in the preamble, wherein the preamble set forth a system for utilizing audible, visual and textual data. Therefore, the body of the claim does not perform what the preamble sets forth.

Claim 2, recites the limitation "said managed information" in lines 11 and 13. There is insufficient antecedent basis for this limitation in the claim.

Line 13-14 of the claim states "textual digital forms". This does not tie to the description provided in the preamble, wherein the preamble set forth a system for utilizing audible, visual and textual data. Therefore, the body of the claim does not perform what the preamble sets forth.

Double Patenting

Claims 1 and 2 of patent # 20030033323 contains every element of claims 1 and 2 of the instant application and as such anticipates claims 1 and 2 of the instant application.

"A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or **anticipated by**, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). " ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BAC (DECIDED: MAY 30, 2001).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

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351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1- 2, 4-17 and 22-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Martin et al. (U.S. Patent No. 6314426) hereinafter Martin.

For claim 1, Martin teaches “a system for utilizing audible, visual and textual data with alternative combinable multimedia forms of presenting information to provide real-time interactive knowledge management in support of activities conducted simultaneously by multiple users in different remote locations (See Col.4, lines 14-65, fig.1), comprising receiving, accessing, processing, storing, retrieving, transmitting and utilizing said data to provide said knowledge management over a distributed network of computers” (Col.4, lines 14-65, Col. 5, lines 11-24) further comprising:

“library science means for categorizing the information used in said knowledge management” (Col. 6, lines 7-26)];

linguistics means for defining information acquisition, exchange and workflow to permit said categorization(Col.6, lines 7-26, Col 18, lines 26-31);

database means for storing said managed information according to a schema which implements said categorization (Col. 4, lines 30-48, Col.5, lines 48-55, fig.4, 5A-C);

media production means for representing said managed information in multimedia audible, visual and textual digital forms (Col. 11, lines 34, Col. 12, lines 4); and

computer software means for implementing said system over a computer network to permit interactive” (fig. 1-2, fig. 7A-7C), multidirectional, multimedia digital data

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communications originated by a user from at least one first location and made available to at least one second location”(Col.17, lines 23-67).

For claim 2, this claim is essentially the same as claim 1 except it sets forth the limitation as “ a method of using a system for utilizing” rather than “ a system for utilizing”, and therefore are rejected for that same reasons as discussed in claim 1.

For claim 4, this claim is rejected on grounds corresponding to the argument give above for rejected claim 3 above. Martin teaches “wherein at least some of said managed information is included within at least one category each having at least one subcategory implementing said database schema such that said category includes all of the information included in each subcategory associated with said category” (Col. 12, lines 24-40, Col. 11, lines 34-64).

For claim 5, this claim is rejected on grounds corresponding to the argument give above for rejected claim 4 above. Martin teaches “wherein the information in each category or subcategory is retrievable independent of the information in any other category or subcategory (Col. 12, lines 24-40, Col. 11, lines 34-65).

For claim 6, this claim is rejected on grounds corresponding to the argument give above for rejected claim 5 above. Martin teaches “wherein information containing a

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common characteristic is retrievable from at least two different categories or subcategories" (Col. 14, lines 18-27).

For claim 7, this claim is rejected on grounds corresponding to the argument give above for rejected claim 1 or 2 above. Martin teaches "wherein a single item of managed information is stored in at least two different locations of said database when said information has been altered from its original form such that each different form of said item is stored in a different location (Col.3, lines 1-14).

For claim 8, this claim is rejected on grounds corresponding to the argument give above for rejected claim 7 above. Martin teaches "wherein a single item of managed information is referred to by more than one designation such that each said designation enables a reference to at least one other designation for that item" (See fig. 4).

For claim 9, this claim is rejected on grounds corresponding to the argument give above for rejected claim 6 above. Martin teaches "wherein the user accesses said categories or subcategories of information from an internet web page having access through a web server to said database" (Col. 15, lines 14-18, Col. 17, lines 29-33).

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For claim 10, this claim is rejected on grounds corresponding to the argument give above for rejected claim 9 above. Martin teaches "wherein said web page contains a user executable feature for providing access to the most common or most recent information used within a category or subcategory" (Col. 14, lines 10-34, Col.3, lines 26-31).

For claim 11, this claim is rejected on grounds corresponding to the argument give above for rejected claim 9 above. Martin teaches "wherein said web page contains user executable features for retrieval and processing of said data for presentation in each form in which said data is used" (Col.17, lines 24-39).

For claim 12, this claim is rejected on grounds corresponding to the argument give above for rejected claim 9 above. Martin teaches "wherein said web page contains a user executable feature for storing the information most commonly used by said user according to a categorization established by said user" (Col. 14, lines 10-34).

For claim 13, this claim is rejected on grounds corresponding to the argument given above for rejected claim 9 above. Martin teaches "wherein said web page contains user executable features for selection of an audible, visual and/or textual broadcast of a designated item of managed information according to a selected multimedia format" (Col.17, lines 39-59).

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For claim 14, this claim is rejected on grounds corresponding to the argument given above for rejected claim 13 above. Martin teaches "wherein said designated item is combinable with other items of managed information for presentation in at least one broadcast" (Col. 17, lines 39-59).

For claim 15, this claim is rejected on grounds corresponding to the argument given above for rejected claim 13 above. Martin teaches "wherein said item is presented in a combination of audible, visual and/or textual multimedia forms in said broadcast" (Col. 18, lines 17).

For claim 16, this claim is rejected on grounds corresponding to the argument given above for rejected claim 14 above. Martin teaches "wherein said items are combinable into different audible, visual and/or textual multimedia forms in said broadcast" (Col. 17, lines 39-Col. 18, lines 17).

For claim 17, this claim is rejected on grounds corresponding to the argument given above for rejected claim 9 above. Martin teaches "wherein said web page contains a user executable feature for searching each category or subcategory for a designated item of managed information" (Col. 6, lines 62-Col. 7, lines 10).

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For claim 22, this claim is rejected corresponding to the argument given above for rejected claim 1 or 2 above. Martin teaches "automated agent means for processing each item of managed information to automatically highlight information of interest in said item based upon criteria pre-defined by the user" (Col.3, lines 15-31).

For claim 23, this claim is rejected corresponding to the argument given above for rejected claim 1 or 2 above. Martin teaches "means for analyzing selected portions of different items of managed information to highlight the differences between said portions" (Col.3, lines 26-31).

For claim 24, this claim is rejected corresponding to the argument given above for rejected claim 1 or 2 above. Martin teaches "document set means for dividing all managed information into different groups of individual items of said information that are to be shared among selected users, wherein said users may collaborate amongst each other in using said shared information" (Col.2, lines 15-Col. 3, lines 36).

For claim 25, this claim is rejected corresponding to the argument given above for rejected claim 24 above. Martin teaches "wherein each individual item of said shared information is accessible independently of the other said items and wherein different groups of said items can be merged together to contain all items in each merged group or combined into a new group containing all items in common between said groups" (Col.2, lines 66-Col. 3, lines 14).

For claim 26, the limitation of claim 26 is rejected base on claim 25, therefore this claim is similarly rejected.

For claim 27 this claim is rejected on grounds corresponding to the argument give above for rejected claim 20 above. Martin teaches "wherein document coding means permits said classification information to be combined with user-customized personal information in classifying said item" (Col. 2, lines 66- Col3, lines 14).

For claim 28, this claim is rejected on grounds corresponding to the argument give above for rejected claim 1 or 2 above. Martin teaches "wherein multiple users access an item of information simultaneously or sequentially (Col. 7, lines 33-55).

For claim 29 this claim is rejected on grounds corresponding to the argument give above for rejected claim 7 above. Martin teaches "an automated comparison agent that tracks the alterations between two or more of said stored items" (Col. 13, lines 31-54)

For claim 30, this claim is rejected on grounds corresponding to the argument give above for rejected claim 7 above. Martin teaches "wherein said information has been altered by handwriting, highlighting, or text changes (Col.9, lines 25-53)].

For claim 31, this claim is rejected on grounds corresponding to the argument give above for rejected claim 29 above. Martin teaches "wherein said automated comparison agent generates a report identifying said alterations, wherein said report is displayed in a format specified by the user (Col. 13, lines 31-55).

For claim 32, this claim is rejected corresponding to the argument given above for rejected claim 1 or 2 above. Martin teaches "an automated agent for processing an item of managed information and extracting information about said item based upon criteria pre-defined by the user"(Col.3, lines 15-31).

For claim 33, this claim is rejected corresponding to the argument given above for rejected claim 32 above. Martin teaches "wherein said extraction agent generates a report identifying said information in a format selected by the user"(Col.3, lines 15-31).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 18-21 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (U.S. Patent No. 6314426) hereinafter "Martin", in view of Hegli et al. (U.S. Patent No 6606659) hereinafter "Hegli".

For claim 3, this claim is rejected on grounds corresponding to the argument give above for rejected claim 1 or 2 above. Martin does not explicitly teach "wherein said database schema provides multiple levels of restricted access to said managed information".

However, Hegli teaches, "wherein said database schema provides multiple levels of restricted access to said managed information" (See Col.3, lines 51-67 to Col.4, lines 1-2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Martin by the teachings of Hegli. Restriction usually help because users not suppose to visit a website will simple be blocked, while user with legitimate reason will be granted access.

For claims 18-20, this claim is rejected corresponding to the argument given above for rejected claim 17 above. Martin does not explicitly teach "wherein said search is conducted by a match of data contained within said item", "wherein said search is conducted by a match of identification information for said item" and "wherein said search is conducted by a match of classification information for said item".

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However, Hegli teaches "wherein said search is conducted by a match of data contained within said item", "wherein said search is conducted by a match of identification information for said item" and "wherein said search is conducted by a match of classification information for said item" (See Col.10, lines 20- Col.11).

It would have been obvious to one of ordinary skill in the art the time of the invention to modify Martin by the teachings of Hegli, because Hegli's search means enhances conducting a search matching information for desired items in different categories of information, which would have been obvious to one of ordinary skill in the art to provide in the system of Hegli in order to obtain the desired search result.

For claim 21, this claim is rejected on grounds corresponding to the argument give above for rejected claim 17 above. Martin does not explicitly teach "wherein the search accommodates inaccuracies created by the search request or digitization of said item". However, Hegli teaches "wherein the search accommodates inaccuracies created by the search request or digitization of said item"(Col. 17, lines 34-41).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Martin by teachings of Hegli, incorporating the techniques of a search request or digitization of the item or information.

For claim 34, this claim is rejected corresponding to the argument given above for rejected claim 1 or 2 above. Martin does not explicitly teach "a reminder agent that

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tracks the time a user or group of users has spent on an item or group of items and automatically generates a message to said user or user group at user selected intervals.

However, Hegli teaches "a reminder agent that tracks the time a user or group of users has spent on an item or group of items and automatically generates a message to said user or user group at user selected intervals (See Col.3, lines 51-65).

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified Martin by the teachings of Hegli in order to provide users with access to, for example sports sites during working hours and been logged on for a limited amount of time.

CONCLUSION

7. The following prior art cited on the PTO-892 form, not relied upon, is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUBUSOLA ONI whose telephone number is 571-272-2738. The examiner can normally be reached on 7.30-5.00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFREY GAFFIN can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OLUBUSOLA ONI
Examiner
Art Unit 2168

KHANH B. PHAM
PRIMARY EXAMINER

